

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MAX ALLEN,**

**Plaintiff,**

**V.**

**SANTEE COMMUNITY SCHOOL and  
MORRIS BATES, Individually and as  
Superintendent of Santee Community  
Schools,**

**Defendants.**

**CASE NO. 4:07CV3131**

## ORDER

This matter is before the Court on the Plaintiff's Motion for New Trial (Filing No. 63) and Motion for Attorney Fees (Filing No. 64).

The Court concludes that there was no error in proceedings warranting a new trial, and that the Plaintiff, Max Allen, was in no respect a prevailing party in this case, warranting the award of any attorney fees.

Accordingly,

IT IS ORDERED:

1. The Plaintiff Max Allen's Motion for New Trial (Filing No. 63) is denied; and
2. The Plaintiff Max Allen's Motion for Attorney Fees (Filing No. 64) is denied.

DATED this 28<sup>th</sup> day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge